

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

PAUL JOSEPH VLASK

PLAINTIFF

V.

CIVIL ACTION NO. 3:24-CV-194-DPJ-ASH

MARLA HALL, RN, ET AL.

DEFENDANTS

ORDER

Plaintiff Paul Joseph Vlasak, a prisoner currently incarcerated at the South Mississippi Correction Institution, filed this action against Defendant Assistant District Attorney Todd McAlpin, among others. Vlasak claims ADA McAlpin violated his right to privacy under the Health Insurance Portability and Accountability Act. Compl. [1] at 5. On June 25, 2025, United States Magistrate Judge Andrew Harris entered a Report and Recommendation [37], recommending that ADA McAlpin's motion to dismiss [16] be granted. Vlasak has not filed an objection, and the time to do so has passed.

Judge Harris correctly concluded that ADA McAlpin was entitled to prosecutorial immunity, finding the complained-of acts were "intimately associated with the judicial phase of the criminal process." R&R [37] at 5 (quoting *Van de Kamp v. Goldstein*, 555 U.S. 335, 343 (2009)). "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee's note (1983), *quoted in Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), *superseded on other grounds by* 28 U.S.C. § 636(b)(1) *as noted in Alexander v. Verizon Wireless Servs., L.L.C.*, 875 F.3d 243, 248 (5th Cir. 2017).

Finding no clear error, the Court accepts the well-reasoned recommendation of Judge Harris. The Report and Recommendation [37] is adopted as the opinion of the Court. ADA McAlpin's motion to dismiss [16] is granted; he can be terminated as a Defendant.

SO ORDERED AND ADJUDGED this the 16th day of July, 2025.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE